

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW MEXICO

STATE OF NEW MEXICO, *ex rel.*
State Engineer

Plaintiff,

vs.

ROMAN ARAGON, *et al.*,

Defendants.

69cv07941-BB

RIO CHAMA STREAM SYSTEM
Section 7: Rito de Tierra Amarilla

Subfile No. CHTA-003-0015

**WITHDRAWAL OF MOTION FOR DEFAULT JUDGMENT
AND MOTION TO SET ASIDE ENTRY OF DEFAULT**

COMES NOW the Plaintiff State of New Mexico, *ex rel.* State Engineer (“State”) and hereby withdraws the Motion for Default Judgment filed April 21, 2006 (Doc. No. 8235) with respect to the Defendants named below and, pursuant to Fed. R. Civ. P. 55(c), respectfully requests the Court to set aside the entry of default for these same Defendants:

Josie Sanchez Dubois CHTA-003-0015

Magdalene Sanchez CHTA-003-0015

As grounds therefore Plaintiff states:

1. The Clerk’s Certificate of Default with respect to the above-named Defendants was entered on March 17, 2006 (Doc. No. 8172).
2. The above-named Defendants have signed and approved the State proposed Consent Order in subfile CHTA-003-0015, and the Consent Order was filed with the Court on November 1, 2007 (Doc. 9011).

3. The entry of default with respect to the above-named Defendants should be set aside to clear the record.

WHEREFORE, the Plaintiff State of New Mexico *ex rel.* State Engineer hereby withdraws its Motion for Default Judgment filed April 21, 2006 with respect to Defendants Josie Sanchez Dubois and Magdalene Sanchez, and requests the Court to set aside the entry of default filed March 17, 2006 for these same Defendants.

DATED: November 15, 2007

Respectfully submitted,

/s/ Ed Newville
EDWARD G. NEWVILLE
Special Assistant Attorney General
Office of State Engineer
P.O. Box 25102
Santa Fe, NM 87504-5102
(505) 867-7444

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on the 15 day of November, 2007 I filed the foregoing electronically through the CM/ECF system which caused the parties on the electronic service list, as more fully set forth in the Notice of Electronic Filing, to be served via electronic mail, and served the following non-CM-ECF participants in the manner indicated:

via first class mail, postage prepaid addressed as follows:

Magdalene Sanchez
Josie Sanchez Dubois
5101 Foothills Dr.
Farmington, NM 87402

/s/ Ed Newville
EDWARD G. NEWVILLE